Supreme Court, U.S.
FILED
07-11 MAR 5 - 2007
OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)

Petitioner

V.

ALVIN FRIEDMAN, ET AL SUBSTITUTE TRUSTEE

Respondent

On Petition For Writ of Certiorari To The

COURT OF SPECIAL APPEALS MARYLAND PER SUPREME COURT EXPRESS WAIVER CASE NO. (01-1391)

.....

SUPPLEMENTAL APPENDIX FOR PETITION FOR WRIT OF CERTIORARI

(Pro se) William Smith
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QUESTION PRESENTED FOR REVIEW

(1) The supreme court, must honor constitutional guaranteed bill of rights due process, and equal protection, authority over this case illegal jurisdictional questions of laws, in conflict with standard, other legal jurisdictional authority. Let justice be done though the heavens should fall. Respondent never had a legal case (a) Preserve truth of fact, no one is above the law. (b)All courts must answer the due process and equal protection compelling justice question strict scrutiny of the case, for court err, right to over rule constitutional authority as stated in the law of the land protection to the people Safety.

(2) The courts were not legally correct, on the law justice question of constitutional guaranteed bill of rights authority, supervision of the lower court err of lack of jurisdictional authority, as per standard conflict to constitutional requirement, of preserving rights to **(a)Amendments #1 redress.-- Amend #4 unreasonable searches and seizures shall not be violated.—Amend #5 Deprive of life, liberty, property without due process of law.—Amend #6 Deprive confrontation with respondent and witnesses against petitioner.—Amend #7 Deprived of preserved right of trial by jury . Amend #8 10 years of extreme undue prejudice, cost is an unusual punishment inflicted. Amend #14 Deprived of good life, life, liberty, property without due process of law.-- Deprived within the Maryland circuit court jurisdictional, authority, the equal**

protection rights of the laws. As stated in this legal respondents jurisdictional omission duty. And unconstitutional conflicts, lack of jurisdictional authority to all courts to this end.

(3) Court was not legally correct, on the justice of respondents express waiver admission consent, to the lack of jurisdictional authority to all courts, as per constitutional standard principle of law, legal authority over the whole complete case. As true. (a)Court can not use the authority to benefit the respondent, and entrap the petitioners constitutional rights as legally guaranteed to resolve this case **justice not impossible remedy.**

(4) The respondent (extrinsic fraud) omission dispute lack of legal jurisdiction to all courts, is intent with knowledge, motive of (extrinsic fraud). Requesting known illegal (Ex parte) hearing. Received circuit court defective summary judgment on illegal (Ex parte) hearing, And use of forged document, to convince court to err, and sustain err, with the court having no knowledge the above is fraud, as fraud on the court. **The Respondent own free will express waiver of admission corroborates these question as true before this court can not cure the remedy for fraud.**

(A) Under constitutional guaranteed due process of law, for justice for all, format standard, can never out weigh, over rule, take precedence over quality substance in evidence truth **(justice)** before the court must **prevail . FICTION MUST YEILD TO TRUTH.!?**

(B) A person who commits this evil deed secretly, is by constitutional law is punished more severely than one who acts openly. Respondent (extrinsic fraud) to this illegal lack of jurisdictional authority to all courts, was done secretly from an illegal intentional fraud foreclosure un certifiable debt dispute. Which is by law, not in existence, not true, NO DEBT, not enforceable by (contract) Constitutional Standard of Law. **Is fraud on the court.**

(C) The request is for, this Great court to expand its constitutional guarantees jurisdiction, to a legal finding of the respondent as guilty of this crime, by due process, and equal protection rights of the preponderance of evidence, in the record, corroborated by the legal respondents own free will clear and convincing express waiver of admission consent, legal justice evidence. **The guilty must not go free, for committing the crime. And court err punish the innocent.**

(D) <u>COURT WAS NOT LEGALLY CORRECT ON TRUTH,FACTS,EVIDENCE,WAIVER PER LAW</u> Court did not legally finalize the respondent express waiver guilty (plea) and give damages to the known innocent petitioner, and required standard by law of the land.!? **Clearly Reversible err.**

(E) It is the CRIME that causes the shame and not the SCOFFOLD.) Respondent bad faith intent, caused this cause, that cause this evil effect.

(F) QUESTION- **Good law justice,** Requires **no impossible remedy**, for the strongest justice in law. Respondent free will **Express waiver consent makes law.? The respondent illegal crime made this their advantage to law, should also have the crime's defense, disadvantage, if justice is to be served.**

(G) QUESTION **Cold reality,** Courts Judgments **double standard** against **equal justice. The same law protection, the respondent exercise, is the same law protection the petitioner possess.**

(H) QUESTION FACT. By law, by evidence in the records, and by respondents admitting the (pro se) petitioner is innocent and the respondent is guilty. Why is this (extrinsic fraud), fraud on the court, court lack of legal jurisdictional authority, circuit court action barred by constitutional due process and equal protection strict scrutiny of law SO WHY IS IT, TO THIS DATE, AN IMPOSSIBLE FINALIZING, FAIR JUDGMENT FOR THE PLAINTIFF FOR THIS COURT'S JUSTICE REMEDY TO FIT THE CRIME GIVE RELIEF.!?

(I) Respondent Aug-20-97, with knowledge ,motive, intent of the bank fraud foreclosure, the bank would not certify the debtless foreclosure, had no case, but secretly still committed fraud on the court.

(J) Frivolous law suite, that never should have been filed.

LIST OF PARTIES

[√] All parties do not appear in the caption of the case on the cover page. A List of All parties to the proceedings in the court whose judgment is the subject of this petition is as follows.

Agent #1 case CAE-97016794 (Extrinsic Fraud) Respondent substitute trustees. Supreme Court bar Kenneth J. Mac Fadyen, P.A, Totman building suite 400, 210 E. Redwood Street, Baltimore MD.21202—Ph# (410) 685-1763

Respondent's Circuit Court only (Extrinsic Fraud) Attorney Tessa Laspia Frederick, Miles and Stockbridge P.C. 10 Light Street Baltimore MD. 21202—PH# (410) 727-6464.

APPENDIX #19 Unreported Opinion

NOTE- Petitioner is requesting the court honor due process and equal protection strict scrutiny of the Maryland Court of special appeals order No. 906 Sept term 2005. Opinion by Getty J. Filed April-28-2006,as per Maryland rule 8-114 unreported opinion is known court (err) of uncertainties, contradictions of laws and facts, and conditions with ambiguous statements there from, resting on fiction of law and facts, that must yield to truth of record and principle of constitutional law authority. This unreported opinion, has no authority over this court review as per the legal standards of the law of the land authority I pray.

Facsimile/Signature/Exact Copy
Unreported. In the court of special appeals of Maryland
No. 906 Sep Term, 2005
William Smith V. Alvin Friedman ET.AL. Substitute Trustees
Murphy, C.J.,-Getty, James S. (Ret, Specially assigned), Rodowsky, Lawrence F.-(Ret, Specially assigned),-- JJ.—Opinion by Getty, J.—filed: April 28th, 2006—CAE:-97-16794

Compounding the absent of an Appealable issues is appellant's in ability to st This matter originated with a foreclosure sail filed in 1997 by the Substitute trustees in their capacity as foreclosure counsel to Bank of America. The property, being foreclosed for default in payments on a promissory note, was the residence of William Smith, appellant, who resided in prince George's county.

The contretemps of this foreclosure action are that, after four appeals, all denied adversely to appellant, neither the Supreme Court of the United States, the court of appeals, the Court of special appeals, nor the Circuit Court of prince Georges County can dissuade appellant from continuing this futile efforts to resuscitate his claims of fraud, mistake or irregularity in the foreclosure proceeding.

ate clearly and concisely his response to the ruling he has appealed into prior unreported proceedings before this court, similar problems arose. In William Smith V. Bank America Mortgage, FSB, No.1832,September Term 1999, this court stated: "Smith has appealed to

this court from the child's court's decision. His arguments on appeal or for the most part, unintelligible."

In William Smith V. Bank of America F.S.B., No.1351 Sep term ,2002 commenting on appellant's "Unfortunate" decision to represent his self, this court stated: "ignorance of procedure can prove Lethal to this case for a novice such as Smith in Smith's case, it has foreclosed his opportunity to attempt to prove that the sale was the result of fraud.! Unfortunately, Appellant has not excepted the court's advice.

It is of no consequence, how ever, that the appellant is representing himself because we require that all parties comply with the rule appellate procedure

The procedural evidentiary and appellate rules apply alike to parties and their attorney's. No different standards apply when parties appeals pro se.—Tretick V.Layman, 95 Md. App.62,86 (1993).

THIS CASE

A Foreclosure action was filed by the substitute trustees end 1997, and a foreclosure sale was conducted on July-27-1998 the bank purchased the property for $110,835.00. the sale was ratified of Nov-9-1998 and no exceptions was filed.

The matter was referred to a court auditor, who reported on April 15-1999 that the Nets proceeds for the sale resulted in a deficiency of $1,158.34. appellate filed and exceptions to the auditor's report and, prior to a hearing on its exceptions, on July-21-1999, he filed suite against the bank, alleging that Bank Employees fraudulently altered his check.He did no

seek to void the foreclosure, but he request damages in the amount of $1,500,00.

Appellant's Exceptions to the auditors was over ruled by the circuit court in Sept.99 following the affirmance of the auditor's report, appellant filed his first appeal to this court, not with standing that the foreclosure was then and enrolled judgment. He alleged in his appeal that the foreclosure sale was contained by fraud, deception, and irregularity. This court held that the appellant failed to present any creditable evidence to a trial court of fraud, mistake or irregularity, as contemplated by the rule 21-535 that would warrant vacating the enrolled judgment ratifying the foreclosure sale of appellant's house.

Undaunted by this court's denial of his motion to revise the judgment of the trial court, appellant filed a petition for writ of certiorari, which the court of appeals denied on or about June 25th, 2001 appellate filed a petition for writ of certiorari to the Supreme Court of the United States.

In addition to this actions filed against the substitute trustee appellant filed and action against Bank America and Attempted to raise the same issue that was raise in the foreclosure case against the same party. The complaint was dismissed by the trial court with prejudice in Aug.25th -2002. On Aug 19th-2002 another appeal was filed. William Smith V. Bank America Mortgage F.S.B. No.1351, Sep term 2002. In an unreported filed June 24-2003 this court affirm the judgment in favor of the bank, based upon the doctrine of Res Judicata.

Again, appellant sought review by the court of Appeals and by the Supreme Court, both petitions were denied. In September-2004 and on January 3rd 2005, April 13th 2005, and May 25th 2005 appellate motion alleging "illegal jurisdiction" which resulted in the trial court (platt, J.) Stating the appellant's motion was with out merit and has previously been denied by the court on May 16th 2005. Thus, appellant ignored May 16th denial of his motion by Judge Platt and refiled the same motion nine days later.

Appellant's most recent appeal, date, June 27th 2005, we presume is in response to Judge Platt denial of the appellant motion questioning the court's jurisdiction, We note that, in appellants motion filed in the Supreme Court against the substitutes trustees and against Bank America, the respondents in each case filed a notice with the court stating that "I do not intend to file a response to this petition for a writ of certiorari unless one is requested by the court." Despite the fact that both petitions were denied, appellant construes the respondent's electing not to file a reply as an admission of guilt in the allegedly unlawful foreclosure proceedings.

For the final time, we instruct appellate that the foreclosure proceeding had been upheld by ever court from the Circuit Court of Prince George's County through the Supreme of the United States. Any attempt by appellant to continue filed frivolous motions or appellants relating to foreclosure proceed will not warrant a response beyond denied "denied"

Further consideration for this case will be a waste of judicial resources and any added expensive to the appellant neither is justifiable.

Appeal Dismissal; Costs Will be Paid by appellant

Appendix #19 appear from this dates events after

AFFIDAVIT

" I William Smith under the penalty of perjury, due solemnly swear and affirm on personal knowledge, I am over 18 years of age. I am competent to testify in any court, on all evidence contents were timely placed before all court for this lack of jurisdictional authority respondents matter, failure of duty to all courts err and statement of the petitioner herein are true.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE

I William Smith certify a true copy of this notice of appeal and its petition for writ of certiorari was sent to new noe Supreme Court attorney T.L. Frederick law office of Miles and stock bridge #10Light Street Baltimore Maryland 21202 ph# (410-727-6464.)

To Supreme Court bar attorney Kenneth J. Mac Fadyen law office of Friedman and Mac Fadyen PA. Totman Building suite 400, 210, (E) Redwood Street, Baltimore Maryland 21202-3399

From William Smith (pro se) petitioner, 1001 Saddle hill rd deland FL. 32720—PH# CELL 386-748-8030 HOME 386-734-0456

RESPECTFULLY SUBMITTED